

SOUTHGATE CONDOMINIUM ASSOCIATION

ADMINISTRATIVE RESOLUTION 2018-1

(Requests for Examination and Copying of the Association's Records)

WHEREAS, Article XI, Section 5 of the Bylaws grants the Board of Directors with authority to adopt and amend any reasonable Rules and Regulations; and

WHEREAS, Section 55-510 of the Virginia Code obligates the Association to provide its members who are in good standing with the Association with the right to examine and copy certain records of the Association, subject to certain procedures approved by the Board of Directors; and

WHEREAS, pursuant to Section 55-510(D) of the Virginia Code, the Association must adopt a policy adopting a cost schedule that (i) specifies the charges for materials and labor; (ii) applies equally to all members in good standing; and, (iii) is provided to any member requesting to review and/or copy the Association's books and records at the time the request is made; and

WHEREAS, the Board has decided that is in the best interest of the Association to adopt a written policy regarding the provision of records to its members.

NOW, THEREFORE, BE IT RESOLVED:

A. Record Keeping and Access to Records

1. Acting on its own or through a managing agent, the Association shall prepare and keep, for a minimum of one (1) year, detailed books and records of receipts and expenditures affecting the operation and administration of the Association. With respect to all books, records and/or files relating to matters other than expenditures, the Association shall keep those books and records for such reasonable time periods as determined by the managing agent.
2. Subject to certain exceptions set forth below, members shall have the right to examine and copy these books and records, provided that their membership is in Good Standing. Good Standing shall be defined to mean that a member is current in the payment of assessments and any other financial obligation to the Association and compliant with all other responsibilities of membership, including, but not limited to, maintenance of his or her Lot in a condition that does not violate any term or provision of the Governing Documents.
3. In order to exercise the rights described herein, members must complete the attached form, Exhibit A, and file it with the Association's managing agent, or other duly appointed representative. After receipt of a filing, the Association's representative shall have the authority to review the form and make determinations as to its completeness and satisfaction of all requirements necessary to allow the Association to act upon the filing. If a form is not complete, the Association shall notify the member of the deficiency, required corrective action, and that no records shall be provided or made available until such corrective action is taken.
4. Upon receipt of a completed form and within a reasonable period of time, the Association shall provide the member with the cost schedule attached hereto as Exhibit A, as well as an estimate

on the costs associated with responding to the request. An estimate may include, but not be limited to, the costs of locating, duplicating, and supplying the records, which includes the cost of materials and labor. Prior to the Association performing any work related to the request, members must pay the estimated charges in advance. Upon receipt of payment (or clearance of a personal check) the Association shall make arrangements for a meeting at a mutually convenient time or provide the member with copies of the requested records within five (5) days of receipt of the payment.

5. Whenever a member makes a written request to examine original records, the Association shall have a member of its managing agent or the Board of Directors meet with the member and serve as a custodian of the records for the protection of the documents. The Association will include the cost of this service in the estimate and may establish reasonable limitations on how long such meetings may last.
6. After the rendering of services requested, the Association shall compare the estimate with the actual costs incurred by the Association as set forth in the cost schedule. If the amount paid by the member exceeds the actual costs, the Association shall promptly refund the difference to the member. If the actual costs exceed the estimate, the Association shall notify the member and the member shall be obligated to pay the difference. The Association may withhold additional services and/or copies until it receives payment.

B. Exempt Records

The following records are exempt from the members' right to examine and copy:

1. Personnel matters related to a specific, identified employee and person's medical records;
2. Any documentation which relates to a (i) contract, lease and other commercial transactions currently under negotiation; (ii) pending or probable litigation; (iii) matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations;
3. Communications with legal counsel which are protected by the attorney-client privilege.
4. Any records that any law prohibits the Association from providing to a 3rd party;
5. Minutes and other records reviewed in an executive session of the Board or Committee;
6. Individual member files, other than those of the requesting member;
7. Any drafts or other documents not yet approved by the Board for incorporation into the Association's books and records.

C. Requests of Minimal Time and Cost

If the Association concludes that a request submitted by a member involves a nominal amount of time and cost to the Association, it may waive any of the above requirements. For purposes of this Resolution, "nominal requests" shall include requests for copies of:

1. Approved minutes or highlights of the most recent meeting of the Board of Directors or membership Meeting;
2. Approved minutes or highlights of the most recent meeting of any Committee;
3. The Association's current annual operating budget;

4. The Association's most current financial management report;
5. The Association's most recent annual audit;
6. The Association's most recent income tax forms; and
7. The file of the requesting member.

D. Miscellaneous

1. The Association shall not have any obligation to create documents in response to any member's request for records.
2. The Board shall have the right to amend the cost schedule attached hereto as Exhibit B without having to amend the entire resolution.

EFFECTIVE DATE OF RESOLUTION

The effective date of this Resolution shall be 1-23-18.

I hereby certify that this Administrative Resolution was duly adopted by the Board of Directors at a regular meeting on 1-23-18.

SOUTHGATE CONDOMINIUM ASSOCIATION

BY:


James Teklinski, Board President

Exhibit A

SOUTHGATE CONDOMINIUM ASSOCIATION

Request to Examine and Copy Association Books and Records Requesting

Unit Owner: _____

Mailing Address: _____

Address at Southgate Condominium: _____

(if different than mailing address) _____

Home Phone: _____ **Alternate Number:** _____

Email Address: _____

Specific Association books and records requested to examine or copy:

Purpose of the request:

Requested date for examination: _____

(The Board of Directors will contact the Unit Owner after receipt of the request to schedule a mutually convenient time for the Unit Owner to examine and copy the requested Association books and records.)

Unit Owner Acknowledgement

My request is for a proper purpose related to membership in the Association and not for pecuniary gain or commercial solicitation.

I understand that the Association may withhold from examination or copying Association books and records that are drafts and not yet incorporated into the Association books and records and Association books and records concerning specific matters provided for in Section 55- 79.74:1.C of the Virginia Condominium Act.

I understand that the Association may impose and collect a charge, reflecting reasonable costs of materials and labor, related to my request prior to providing copies of any Association books and records. I have received and reviewed the current cost schedule for such materials and labor.

I hereby certify that the statements made on this form are true and complete to the best of my knowledge, information and belief.

Signature

Date

Printed Name

Exhibit B

SOUTHGATE CONDOMINIUM ASSOCIATION

Cost Schedule for Providing Copies of Association Books and Records

Item Description	Cost
Copy/Print/Scan (black & white)	\$0.15/page
Facsimile Transmittals	\$0.15/page
Postage/Certified Mail	Actual USPS Cost
#10 business envelope	\$0.10 each
6 x 9 envelope	\$0.20 each
10 x 15 envelope	\$0.35 each
Mailing Labels	\$0.05 each
Hourly Rate for Clerical Staff	\$50

**SOUTHGATE CONDOMINIUM ASSOCIATION
ADMINISTRATIVE RESOLUTION NO. 2018-1**

RESOLUTIONS ACTION RECORD

Duly adopted at a meeting on the Board of Directors held 1-23, 2018.

Motion by: JIM TEKLIWSKI Seconded by: JODI MACMILLAN

VOTE:	YES	NO	ABSTAIN	ABSENT
James Teklinski President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jayne Tobin Vice President	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jodi MacMillan Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thaddeus Coffman Treasurer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Suelzer Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>